UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,939	08/31/2001	Tammie Dang	SVL920010042US1/2168P	2261

29141	7590	03/01/2005

SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

EXAMINER
TO, BAOQUOC N

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/944,939	DANG ET AL.
	Examiner	Art Unit	
	Baoquoc N To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10/18/04</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   After carefully review the applicant remarks in Appeal Brief filed on 10/18/2004.

The Office withdraws the Finality of the Final Office action dated on 03/09/2004. The

Office regrets any inconveniences due to the applicants.

2.   Claims 1-20 are pending in this application.

Response to Arguments

Applicant's arguments with respect to claims 1, 8 and 15 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-3, 7-10, 14 and 15-17 are rejected under 35 U.S.C. 102(b) as being

anticipated by Yeager et al. (US. Patent No. 5,950,190).

Regarding claims 1, 8 and 15, Yeager teaches a method for dynamically

changing attributes in an embedded-SQL application, the method comprising the step

of:

(a)   providing an option (a DESBRIBE SELECT LIST) (col. 21, line 67) within a

standard SQL statement for specifying one or more attributes (the SELECT

DESCRIPTOR is processed to obtain the different column names and attributes) (e.g.

data type, width, etc.) for each column) (col. 22, lines 11-13) of at least a declared

cursor (the cursor is then OPENed at step 188 to allocate an area of memory for the

dynamic SQL query) (col. 21, lines 65-66); and

(b)   processing the standard SQL statement to include the specific one or

more attributes in at least the declared cursor (the SELECT DESCRIPTOR is processed

to obtain the different column names and attribute...) (col. 22, lines 11-22).

Regarding on claims 2, 9 and 16, Yeager teaches the method recited in claim 1,

wherein the option providing step (a) providing an ATTRIBUTES option (the SELECT

DESCRIPTOR is processed to obtain different column names and attributes) (the query

is parsed and the query is generated with dynamically attributes) (col. 22, lines 11-34).

Regarding on claims 3, 10 and 17, Yeager teaches the method recited in claim 2,

wherein option within an PREPARE statement (the column names and attributes are

selected based on the SELECT STATEMENT DESCRIPTOR) (col. 22, lines 11-21).

Regarding on claims 7 and 14, Yeager teaches the method recited in claim 1

further comprising the step of (c) utilizing the one or more attributes in a concatenated

string for a dynamic cache system of a database server (col. 21, lines 65-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.　　　Claims 4-6, 11-13 and 18-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yeager et al. (US. Patent No. 5,950,190) in view of Clark (US

Patent No. 6,354,244 B1)

Regarding on claims 4, 11 and 18, Yeager does not explicitly teach the method

recited in claim 3, wherein the processing step (b) comprises the step of (b1) parsing

the ATTRIBUTES options. However, Clark teaches "the parser-extractor of the aligner

includes means for parsing the source files to generate the translate source segments

and their attributes; means for parsing the target files to generate the corresponding

target segments and their attributes" (col. 3, lines 42-46). This suggests the concept of

parsing the attributes. Therefore, it would have been obvious to one ordinary skill at the

time of the invention was made to modify Yeager's system to include parsing the

attributes as taught in Clark in order to identify the attributes which are required for

processing.

Regarding on claims 5, 12 and 19, Yeager does not explicitly teach the method

recited in claim 4 further comprising step (c) resolving conflicting and duplicate

attributes. However, Clark also suggests "the parser-extractor also includes a conflict

resolver that determines whether the attribute identifier of each translatable source

segment and each corresponding target segment is a unique attribute identifier and, if

not, assigning a unique attribute identifier" (col. 3, lines 57-51). This suggests the

concept of resolving attributes. Therefore, it would have been obvious to one ordinary

skill in the art at the time of the invention was made to modify Yeager's system to

include conflict resolver as taught by Clark in order provide the query with corrected attributes for processing.

Regarding on claims 6, 13 and 20, Yeager does not explicitly teach the method recited in claim 5 further comprising the step of (c) placing the resolved attributes in a parse tree. However, Clark teaches "parser-extractor 320 also includes conflict resolver 520 that determines whether the attribute identifier of each translatable source segment and each corresponding target segment is unique and, if not, assign a unique attribute identifier. Such unique attribute identifiers, associated translatable source segments and corresponding target segments, supporting source and target segments, and information regarding the source and target files from which such segment were derived, are stored by conflicts resolver 520 in appropriate data structures, such as translatable source segment database 322 and corresponding target segment database 324" (col. 15, lines 54-65). This suggests that conflict resolver stored the attributes in the data structures or tree. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Yeager's system to include the conflict resolver to store the attributes in the data structure as taught by Clark in order to provide a structured attributes in a form to process the query at the later time.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 305-
3900.

Any response to this action should be mailed to:

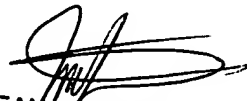Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is
assigned are as follow:

(703) 872-9306 [Official Communication]

Baoquoc N. To

Feb 8, 2005

JEAN M. CORRIELUS
PRIMARY EXAMINER